

WORK SESSION AGENDA

July 6, 2021

5:00 p.m.

The purpose(s) of the meeting shall be for the Commission to receive, consider, discuss, deliberate and debate the matters listed herein below and such other public business as may lawfully be undertaken provided that no formal votes are to occur and no matters or issues will be formally decided upon at this meeting.

- I. Discussion of each Commission Members Top 5 Priorities for the Year
- II. Discussion of Swope Property potential
- III. Civility Training – tentative date is July 13 / time?
- IV. Discussion of Chicken Ordinances
- V. Presentation by the Chattanooga Skate Park Project: Red Bank Citizens Gene Haman, Phillip Balch & Jeremy Vest
- VI. City Advertising through Food City Pharmacy
- VII. Discussion on Planning Commission Agenda Item No. 21-857
- VIII. Chattanooga Breakfast & Rotary Club Res. No. 21-1417
- IX. Any other business to discuss

ORDINANCE NO. 21-

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND THE RED BANK ANIMAL AND FOWL ORDINANCE, ORDINANCE 19-1152, CODIFIED AT RED BANK CITY CODE TITLE 10, CHAPTERS 1 THROUGH 10, INCLUSIVE AND IN PARTICULAR AMENDING ARTICLE VIII OF SAID TITLE 10 OF THE RED BANK CITY CODE.

WHEREAS, the City Commission finds that the present regulatory provisions of and with respect to the keeping, controlling and monitoring of domesticated animals in general, and of and with respect to female chickens in particular should be revised to reflect the general will of the citizens of the City of Red Bank and in order to permit, certain limited numbers of female chickens who lay eggs to be kept in the residential areas of the City of Red Bank under certain restrictions and;

WHEREAS, the City Commission finds and believes that it is necessary and appropriate to revise, amend and enact a comprehensive set of rules and regulations of and with respect to the keeping and monitoring of domesticated chickens, with controls provided for the health, safety and welfare of the broader citizenry of the City of Red Bank and to the exclusion of other animals, in general and of and with respect to “roosters” in particular and as other expressly permitted by this ordinance, and to thereby rescind and repeal previously enacted and/or inconsistent ordinances addressing that topic.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee as follows:

SECTION 1. Title 10, Article VIII shall be revised so as to provide that the title of said Article VIII reads as follows:

ARTICLE VIII. LARGE ANIMALS; CHICKENS AND OTHER FOWL

SECTION 2. Revise the title of subsection 10-77, by deleting the same in its present configuration and substituting in its place thereof the following:

Section 10-77. Keeping or possessing livestock, horses, swine, goats or chickens, and similar animals, with exceptions.

SECTION 3. Subsection (a)(1) of section 10-77 shall be amended by adding the words “Except as otherwise expressly provided for herein,” immediately before the first word of subsection (a)(1) and changing the word “It” to “it”.

SECTION 4. Insert a new Subsection (a)(2) immediately following subsection (a)(1) as amended herein, as follows:

(a)(2) Domesticated Chickens Permitted, Limitations and Regulations

(1) The purpose of this section is to provide standards for the keeping of domesticated chickens within the City only where an appropriate permit has been obtained from the City Manager. This section is intended to enable City residents to keep a small number of female chicks on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and neighborhood. No roosters are permitted, no breeding operations or activities are permitted or allowed under any circumstances. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to the possibility of noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and other animals on or leaving the owner's property. This section is intended to create licensing standards and requirements within the City on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the City. No property owner or occupant shall be entitled to a license or keep chickens as otherwise provided for herein in the event same is restated or prohibited by private covenants and restrictions applicable for the property.

(2) No permit shall be issued for any person to keep female chickens within the City unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the City Manager:

(a) Property must be zoned R-1 or R-1A and must not have frontage along or contain portions of Stringers Branch.

(b) Chicken coops may only be kept as an accessory use to a residence. They will not be permitted on vacant lots.

(c) Property of not less than one-half (1/2) acre in size as conclusively determined by the Hamilton County Tax Assessor. Properties abutting Stringers Branch shall not be eligible to keep/house/shelter chickens under this Ordinance.

(d) No more than four (4) mature hens shall be allowed in any residential zone property except eight (8) hens will be allowed for those zoned residential properties of two or more acres. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.

(e) No roosters shall be allowed within the City.

(f) There shall be no slaughtering of chickens except indoors in an enclosed building in the City.

(g) Any chickens must be kept in a secure enclosure at all times (not visible from the street) that has been approved by the City Manager or designee. The size of any outside enclosure shall be a minimum of eight (8) square feet per chicken and the outside enclosure shall be set back at least twenty-five (25') from any adjoining side and rear property lines and at least fifty (50') from any stream. The enclosures must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats. The size of any interior/enclosed and roofed enclosure shall provide a minimum of two (2) square feet space for each bird.

(h) There shall be no more than one such enclosure per lot and no such

enclosure shall exceed eight feet (8') in height measured from the highest point on the roof to ground level.

(i) The enclosure shall be approved by the City Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the female chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and secured at night. No enclosures will be allowed in any front or side yard.

(1) Opening windows and vents shall be covered with predator and bird proof wire of less than one inch (1") openings.

(2) The materials used in making the enclosure shall be uniform for each elements of the structure within the City such that the walls are made of the same materials, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be painted in neutral color, be well-maintained, in good, neat and serviceable conditions.

(3) The enclosure shall be placed in the rear yard in a location where it is uniform and in harmony with other structures on the lot and is not visible from the street.

(4) Mobile chicken coops shall be permitted provided they meet all other requirements of the Ordinance and are only moved within the setback requirements.

(j) Enclosures must be kept in a neat, sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.

(k) Chicken feed must be kept in a rodent-proof container as determined by the City Manager or designee and all chickens shall be humanely treated.

(l) Chicken litter, manure and waste must be disposed of in a manner consistent with current best practices. Disposal, compost, or waste bins where chicken-related waste is disposed of shall be stored at least twenty-five (25') from any adjoining side and rear property lines and at least fifty feet (50') from any stream.

(m) Prior to purchasing any chickens pursuant to this section within the City, any person must obtain a permit from the office of the City Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of Fifty (\$50.00) dollars for any person desiring to keep chickens within the City.

(n) The City Manager or designee shall deny a permit to keep domesticated chickens within the City if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the City Manager or designee at any time, if any provision of the application shall be determined to be false or inaccurate in any material way or if there is determined to be a risk from existing conditions to public health or safety and/or if there is subsequently at any time any violation or failure to comply with the provisions of this Ordinance including without limitation any failure to control odors, noise from chickens emanating from a permitted property

discernable or detectable from the street or any adjoining or nearby residential property and which, in the determination of any such adjoining property owner, unreasonably interferes with such persons' enjoyment of his or her property, after a permit has been issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to file a written appeal to the Administrative Hearing Officer within ten (10) days of the denial, revocation or suspension by the permit holder.

(o) If any such permit shall be revoked and written notice thereof be sent via certified mail to the permit holder at the address shown on the permit, or by hand delivery, the failure of such permit holder to remove the chickens or the enclosure after 10 days, shall *ipso facto*, result in the assessment of a civil penalty in the amount of Fifty (\$50.00) dollars, per day for each day thereafter until the chickens and the enclosure are removed.

To further amend said Section 10-77 by renumbering the currently existing (a)(2) as Subsection "(a)(3)".

SECTION 5. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase hereof.

SECTION 6. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the Citizens of the City of Red Bank requiring it.

Mayor Hollie Berry (date)

City Recorder Tracey Perry (date)

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

ORDINANCE 21-

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO
AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING
ORDINANCE, AT SECTION 14-301.01 AND 14-302.01 IN ORDER TO
PROVIDE FOR AN ADDITIONAL SPECIFIED PERMITTED USE IN THE
R-1 AND THE R-1A RESIDENTIAL ZONES**

WHEREAS, the City Commission has recently enacted Ordinance No. 21-1195, with respect to the keeping of a limited number of female chickens in the City of Red Bank, under the limited and regulated standards, conditions and licensing provisions and proceedings there provided; and

WHEREAS, the City Commission has determined, upon recommendation of the Red Bank Planning Commission and other factors, except properties of two (2) acres or more in size, that the keeping of limited numbers of female chickens should also be limited to the R-1 and R-1A zoned properties which meet all of the standards of Ordinance No. 21-1195.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee as follows:

SECTION 1. That Subsection 14-301.01 of the Red Bank Zoning Ordinance be and the same is hereby amended to add a new/additional subsection to the permitted user listed as follows:

“(1) Keeping limited numbers of female chickens subject to all of the terms, provisions, conditions, requirements and exceptions of Ordinance No. 21-1195 as now existing or hereafter amended.”

SECTION 2. That Subsection 14-302.01 of the Red Bank Zoning Ordinance be and the same is hereby amended to add a new/additional subsection to the permitted user listed as follows:

“(1) Keeping limited numbers of female chickens subject to all of the terms, provisions, conditions, requirements and exceptions of Ordinance No. 21-1195 as now existing or hereafter amended.”

SECTION 3. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase hereof.

SECTION 4. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the Citizens of the City of Red Bank requiring it.

Mayor Hollie Berry (date)

City Recorder Tracey Perry (date)

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

CITY OF RED BANK

APPLICATION FOR CHICKEN(S) PERMIT

The undersigned does hereby apply for a License to keep not more than 4 female chickens on the premises and address set out herein.

Name: _____

Address: _____

Phone: _____ **Email:** _____

Cell:

I do hereby affirm that the lot size is not less than 1/2 acres, 21,780 square feet and that if granted, that I will abide by all terms and conditions of City, governing ordinances, rules and regulations.

This application shall be accompanied by:

- Application fee of \$50.00
- A site plan location of structure
- A copy of the deeds to the property
- A copy of any Covenants and/or Restrictions applicable to the Property

Permit may be issued for any person to keep female chickens within the City only and if all of the required standards, as set forth in the attached Ordinance are met and complied with by the applicant during any period that a permit is issued by the City Manager.

Licensee, by accepting this license consents to the inspection of the premises upon which the required enclosure is located, during daylight hours, at any time and whether with or without notice for the purpose of reasonable inspection for Ordinance compliance.

Final approval will not be granted until a site inspection of the enclosure is complete.

This License, if approved, is not transferable to any other person and is specific to the property address herein and cannot be transferred to or used in connection with any other property/address.

I have received a copy of and read, understand and agree to the Ordinance governing the keeping of female chickens, the limitations and requirement associated therewith and the rules and regulations governing same.

Applicant Signature _____ Date _____

Approval:	Approved	Denied	Date
Code Official	_____	_____	_____
City Manager	_____	_____	_____

Keeping Chickens and other fowl within the City.

(1) It shall be unlawful for any person to keep ducks, geese, or other fowl in the City of Red Bank with the exception of female chickens by permit issued by the City Manager as provided in this section.

(2) The purpose of this section is to provide standards for the keeping of domesticated chickens within the City only where an appropriate permit has been obtained from the City Manager. This section is intended to enable City residents to keep a small number of female chickens on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and neighborhood. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and other animals leaving the owner's property. This section is intended to create licensing standards and requirements within the City on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the City.

(3) No permit shall be issued for any person to keep female chickens within the City unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the City manager:

- (a) Property must be zoned R-1 or R-1A and must not have frontage along or contain portions of Stringers Branch.
- (b) Chicken coops may only be kept as an accessory use to a residence. They will not be permitted on vacant lots.
- (c) Property of not less than ½ acre.
- (d) No more than four (4) hens shall be allowed in any residential zone property except eight (8) hens will be allowed for those zoned residential properties of two or more acres. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.
- (e) No roosters shall be allowed within the City.
- (f) There shall be no outside slaughtering of birds in the City.
- (g) Any chickens must be kept in a secure enclosure at all times (not visible from the street) that has been approved by the City Manager or designee. The size of any outside enclosure shall be minimum of 8 square feet per chicken and the outside enclosure shall be set back at least twenty-five feet (25') from any adjoining side and rear property lines and at least fifty feet (50') from any stream. The enclosure must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats. The enclosure shall provide a minimum of two (2) square feet space inside for each bird.
- (h) There shall be no more than one such enclosure per lot and shall be approved by the City Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the female chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and locked at night. No enclosures will be allowed in any front yard.
- (i) Opening windows and vents shall be covered with predator and bird proof wire of less than one inch (1") openings.

(ii) The materials used in making the enclosure shall be uniform for each element of the structure within the City such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be well-maintained.

, (iii) The enclosure shall be placed in the rear yard meeting the required setbacks where it is uniform and in harmony with other structures on the lot and is not visible from the street.

(iv) Mobile chicken coops shall be permitted provided they meet all other requirements of the ordinance and are only moved within the setback requirements.

(g) Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.

(h) Chicken litter, manure and waste must be disposed of in a manner consistent with current best practices. Disposal, compost, or waste bins where chicken-related waste is disposed of shall be stored at least twenty-five feet (25') from any adjoining side and rear property lines and at least feet (50') from any stream.

(i) Chicken feed must be kept in a rodent-proof container which is approved by the City Manager or designee and all chickens shall be humanely treated.

(j) Prior to purchasing any chickens pursuant to this section within the City, any person must obtain a permit from the office of the City Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of fifty dollars (\$50.00) for any person desiring to keep chickens within the City.

G) The City Manager or designee shall deny a permit to keep domesticated chickens within the City if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the City Manager or the designee at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to appeal to the Red Bank City Commission within ten (10) days of the denial, revocation or suspension by the permit holder.

OUTLINE OF CHICKEN ORDINANCE COMPONENTS

APP, FEE & PERMIT

- A permit will be required from the City.
- A site plan location of structure
- Enclosure must be inspected & approved before use occurs.
- An initial application fee of \$ 50.00 dollars.
- Permits are being issued on a trial basis of one (1) year

PLACEMENT OF COOP AND WASTE DISPOSAL METHOD

- Zoning for single family Residential Properties only.
- Properties along Stringers Branch are not eligible
- Not allowed on Properties of less than ½ acre or in multi-family complexes, including duplexes, office or commercial or other zones.
- No enclosure may be placed in front yards. Must be placed in the rear yard.
- Coop location shall be not be visible from the street.
- Setbacks from any adjoining property lines to be twenty-five (25) feet.
- Setbacks from streams to be fifty (50) feet.

CONSTRUCTION

- No more than four (4) hens shall be allowed on any residential zoned property except for those properties of two (2) or more acres where a maximum of eight (8) hens will be allowed. No Roosters are permitted.
- A minimum cage size of two (2) square feet for inside enclosure for each bird.
- Outside runs shall be a minimum of 8 square feet per hen.
- Enclosed with wire or screen on all sides.
- Windows & vents shall be covered with predator & bird-proof wire of less than one-inch (1") openings.
- The structure shall be uniform around the structure and shall be in harmony with the surrounding area. See ordinance.

REGULATED CONDITIONS

- Enclosure shall be well maintained.
- Enclosures must be kept in a neat and sanitary condition at all times, and waste must be disposed of properly.
- Must be cleaned on a regular basis to prevent offensive odors.
- Must be kept /raised in humane manner.
- Must be designed to provide safe & healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- **Running at large is prohibited.** Must be kept in a secure enclosure at all times.
- Access doors shall be shut and locked at night.
- No Roosters permitted or allowed.
- No bird breeding operations or activities are permitted under any circumstance.
- All feed to be kept in rodent proof/raccoon proof containers.
- There shall be no outside slaughtering of birds.
- For more details or clarification please contact Red Bank City Hall (423) 877-1103.

NOTE: This is a general outline and information guide – provisions of the Ordinance have priority over this outline.

GENERAL WEBSITES

The following websites contain general information on the topic of urban chickens, which may be helpful but are not a part of the City of Red Bank governing Ordinance nor its Rules and Regulations regarding same. Any conflict with the governing ordinance(s) may not be relied on by the homeowner or occupant.

<http://www.urbanchickens.org>

<http://backyardchickens.net>

<http://www.urbanchickens.net>

Tracey Perry

From: Annetta Fullwood <annettaf.medibag@gmail.com>
Sent: Friday, June 25, 2021 10:20 AM
To: Tracey Perry
Subject: FOOD CITY PHARMACY ADVERTISEMENT PROMOTION - RED BANK
Attachments: Sample Ads All Sizes-1.pdf

We're looking for an exclusive business such as yours to promote on our bags with absolutely no competition. FOOD CITY PHARMACY has the right marketing tool to reach your potential customers. SPACES ARE LIMITED SO PLEASE REPLY BACK NOW!

Hi Tracy,

I tried to reach you by phone without success so thank you in advance for taking the time to read my email!

My name is Annetta and I'm working on an advertising promotion with **FOOD CITY PHARMACY** in **Red Bank, TN**. This email is an opportunity for us to advertise and promote **RED BANK COMMUNITY CENTER** on the Food City Pharmacy 24,000 bags for 12+ month advertisement in the Red Bank area.

Current Prices & available spaces:

economy size space \$338 (4.25"x 1.50")

standard size space \$598 (4.25"x 3")

deluxe size space \$793 (4.25" x 5")

double gusset side space is \$495 (6.5"x 1.5" each side)

Pharmacy color: bags are white with red and blue font. Custom color - \$95 extra per color.

To assist you in making a decision regarding this promotion, see attached Sample Ads Sizes. Please let me know your decision as soon as possible as I'm expediting to get the bags to print and start this advertising promotion in Red Bank. Thanks for your prompt response!

Kind Regards,

Annetta Fullwood

Medibag Advertising Agent

PH:(866) 793-1188 Ext 104

Fax: (910) 793-1215

EM: annettaf.medibag@gmail.com

Ref: Tracey Perry

(423) 877-1103

Hollie Berry
Mayor

City of Red Bank

John Alexander
Interim City Manager

BOARD OF COMMISSIONERS MEETING

Agenda
July 6, 2021
6:00 p.m.

- I. **Call to Order – Mayor Hollie Berry**
- II. **Roll Call – City Manager**

Mayor Hollie Berry _____ Vice Mayor Stefanie Dalton _____, Commissioner Ruth Jeno _____,
Commissioner Ed LeCompte _____ Commissioner Pete Phillips _____
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **June 15, 2021 Agenda Work Session**
 - B. **June 15, 2021 Commission Meeting**
- VI. **Communication from the Mayor**
- VII. **Commissioner's Report**
 - A. **Vice Mayor Stefanie Dalton**
 - B. **Commissioner Ruth Jeno**
 - C. **Commissioner Ed LeCompte**
 - D. **Commissioner Pete Phillips**
- VIII. **City Manager Report**
- IX. **PUBLIC HEARINGS**
- X. **Unfinished Business**
- XI. **New Business**
 - A. **AGENDA ITEM NO. 21-857 DISCUSSION, DELIBERATION AND VOTE ON PLANNING COMMISSION ISSUE**
 - B. **RESOLUTION NO. 21-1417 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF RED BANK AND THE CHATTANOOGA BREAKFAST ROTARY SERVICE FUND A/K/A ROTARY (hereinafter "Rotary")**
- XII. **Citizen Comments from Red Bank Citizens
(3 minute limit)**
- XIII. **Adjournment**

"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of the

community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Commission."

City of Red Bank

Hollie Berry
Mayor

John Alexander
Interim City Manager

COMMISSIONERS AGENDA WORK SESSION

Minutes
June 15, 2021
5:00 p.m.

The Board of Commissioners met in a public and duly advertised Agenda Work Session on June 15, 2021 at 5:00 p.m. The date, time and location of the meeting were advertised in the Chattanooga Times Free Press, on the City's Facebook page and on the City of Red Bank website together with instructions and an internet link to enable virtual attendance by the public. The purpose of the meeting was to receive information on and discuss upcoming business items. Those in attendance were Mayor Hollie Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Pete Phillips. Also present were Interim City Manager John Alexander, City Attorney Arnold Stulce, Jr., City Recorder Tracey Perry and those listed on Exhibit A.

- I. Strategic Planning – presentation by Honna Rogers
Honna Rogers was present and gave an overview of the services that MTAS offers, free of charge, in assisting municipalities with strategic planning. Commissioner Phillips also spoke on his communication with Giselle Chapman, whose planning services he has used in the past. There was much discussion with questions and answers. The Board, by consensus, will begin the process with MTAS and possibly look at using Ms. Chapman after the new City Manager is in place. Commissioner Phillips was also tasked with locating a potential location for the planning meeting(s).
- II. City Manager Search Discussion and Direction to MTAS
Honna Rogers was present and discussed the next steps in the City Manager recruiting process. She also distributed her proposed timeline for the rest of the process. The following was among the matters discussed: holding a Meet & Greet Reception, holding both group and individual interviews, and the City covering some travel expenses for selected applicants.
- III. Special Called Meeting on June 22 to finalize budget
Interim City Manager Alexander emailed all Commissioners about a proposed meeting to finalize the budget on June 22 at 5:00 p.m. The Board, by consensus, agreed to call and schedule it as suggested.
- IV. \$500 to Chief Mathews from the Commissioner's funds
The Board discussed a longevity of service award of \$500 from the Commissioner's Fund to retired Fire Chief Mark Mathews in appreciation of his 46 years of service.
- V. FY22 Budget Ord. No. 21-1194
No discussion; lack of time.
- VI. Appoint Rick Causer to WWTA Board Res. No. 21-1413
No discussion; lack of time.
- VII. Bicycle collection / disposition Res. No. 21-1414
No discussion; lack of time.

VIII. Letter of Intent – CMAQ Grant Res. No. 21-1415

No discussion; lack of time.

IX. Kleenco Additional Funding Res. No. 21-1416

No discussion; lack of time.

X. Any other business to discuss

No discussion; lack of time.

The meeting was adjourned at 6:00 p.m.

Mayor Hollie Berry

(Date)

City Recorder Tracey Perry

(Date)

BOARD OF COMMISSIONERS MEETING

Minutes
June 15, 2021
6:00 p.m.

- I. **Call to Order** – Mayor Hollie Berry called the meeting to order at 6:04 p.m.
- II. **Roll Call** – Interim City Manager John Alexander called the roll. Mayor Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte, and Commissioner Pete Phillips were present. Also present was City Attorney Arnold Stulce, Jr.; Interim City Manager John Alexander; Chief Dan Seymour; Chief Brent Sylar and City Recorder Tracey Perry and those listed on Exhibit A.
- III. **Invocation** – Associate Pastor David Burkhart, White Oak Baptist Church
- IV. **Pledge of Allegiance** – led by Chief Sylar
- V. **Consideration of the Minutes for approval or correction:**
 - A. **June 1, 2021 Budget Workshop**
Commissioner LeCompte made a motion to approve as written, seconded by Commissioner Jenó. Motion carried with all Commissioners voting “yes”.
 - B. **June 1, 2021 Agenda Work Session**
Commissioner Jenó made a motion to approve as written, seconded by Commissioner Phillips. Motion carried with all Commissioners voting “yes”.
 - C. **June 1, 2021 Commission Meeting**
Commissioner LeCompte made a motion to approve as written, seconded by Commissioner Phillips. Motion carried with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Thank you to Honna Rogers for her presentations on Strategic Planning and the City Manager search process during the course of the Agenda Work Session earlier this evening.
 - Thank you to Commissioner Phillips for keeping the Strategic Planning as a topic to discuss.
 - Met with the Small Cities Coalition on June 9 to discuss the American Rescue Plan Act (ARPA) federal funds. Red Bank will receive in excess of \$3 million dollars that must be used under strict guidelines to stabilize the community due to the Covid pandemic. She solicited citizen ideas for use of the funds.
 - The next Red Bank Community Drive Through Food Pantry will be Thursday June 17 from 5-6 p.m. at Red Bank United Methodist Church.
- VII. **Commissioner's Report**
 - A. **Vice Mayor Stefanie Dalton**
 - Greeted everyone in attendance.
 - Red Bank United Methodist Church is hosting Wednesdays in the Park, every Wednesday from 6-7 p.m. through September. Food is prepared by Cushla's Cuisine. Donations of \$10 per meal are suggested if able.
 - L&E Wholesale will be hosting their last Saturday Market on June 26 from 16-6 p.m. to celebrate Pride Month.
 - June 26 & 27, Ritual & Remedy is hosting a Pop Up Event – Aura Photo Session. Bookings are limited. You can register at auraweaver.as.me/rremedy.

- Thanked Blake Pierce, from White Oak Bicycle Co-Op for being here. They would like to be involved in trail clean up at Stringer's Ridge. An MOU was requested by City Attorney Stulce.
- Student meals (for ages 0-18) continue to be available this summer at Red Bank Elementary School on Wednesdays from 11 a.m. to 1 p.m. and Thursdays from 4-7 p.m.
- Rising 10th-12th graders can register for the LEO Summer Enrichment Program between now and July 1. Registration can be found at linktr.ee/leos2020

B. Commissioner Ruth Jeno

- Welcomed former Planning Commission member Mr. David Hafley and former City Commissioner Mr. Rick Causer.
- Has received multiple emails and phone calls in support of her stance on the budget.
- Red Bank United Methodist Church is in need of volunteers for their Food Pantry.
- The Trust for Public Land is launching an online fundraiser to raise \$30,000. They should be working on the trail at Stringer's Ridge by the end of August.
- Honna Rogers provided great information today during the Agenda Work Session.
- Thanked Mayor Berry and Interim City Manager Alexander for attending the meeting about the pandemic related federal funding. She would like to see a committee formed to work out how this money can best be used.
- Expressed concerns with a Zoom meeting involving Mayor Berry, Planning Commission member Billy Cannon and Melissa Taylor and Betsy Evans, our Long Range Planners, on May 28.

D. Commissioner Ed LeCompte

- Thanked everyone for coming out.
- Hopes everyone stays safe.

E. Commissioner Pete Phillips

- Thanked everyone for coming tonight.
- Received emails about not raising taxes and about recycling.
- Blue Cross Blue Shield has a Healthy Spaces Grant coming available.
- Spoke with Giselle Chapman about Strategic Planning.
- Also watched the Zoom meeting. Has concerns with Planning Commissioner Cannon and some things that were said in the meeting.

VII. City Manager Report

- The refinancing of the \$1.527 million General Obligation Loan is progressing with the City's part to be signed on June 17.
- The application for the State grant money for _____ in the amount of \$_____ is on schedule.

IX. PUBLIC HEARINGS

None

X. Unfinished Business

- A) ORDINANCE NO. 21-1191 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO PROVIDE FOR THE GENERAL REVENUE THEREOF FOR THE FISCAL YEAR 2021-2022 ON AN INTERIM BASIS PENDING RECEIPT OF THE "CERTIFIED RATE" FROM THE ASSESSOR OF PROPERTY OF HAMILTON COUNTY, TENNESSEE, PURSUANT TO T.C.A. SECTION 67-5-1701, TO BE KNOWN AS THE GENERAL REVENUE ORDINANCE FOR SAID YEAR (second and final reading)**

Mayor Berry read the caption of the Ordinance. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Jeno. No discussion. No citizen comments. Roll Call vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes", Commissioner LeCompte "yes" and Commissioner Phillips "yes". Ordinance No. 21-1191 was approved on second and final reading with all Commissioners voting "yes".

B) ORDINANCE NO. 21-1193 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2021 OPERATING BUDGET YEAR END APPROPRIATION OVERAGES (second and final reading)

Mayor Berry read the caption of the Ordinance. Commissioner Jeno made a motion to approve, seconded by Commissioner LeCompte. No discussion. No citizen comments. Roll Call vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes", Commissioner LeCompte "yes" and Commissioner Phillips "yes". Ordinance No. 21-1193 was approved on second and final reading with all Commissioners voting "yes".

XI. New Business

A) ORDINANCE NO. 21-1194 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE ADOPTING THE ANNUAL BUDGET AND TAX RATE OF \$1.39 FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 (first reading)

Mayor Berry read the caption of the Ordinance. Commissioner LeCompte made a motion to approve, seconded by Commissioner Jeno. Much discussion ensued.

David Hafley, 4621 Hunter Trail, asked for clarification on the tax rate quoted in this Ordinance.

Andrea Abercrombie, 409 East Midvale Ave, spoke to say she is in support of recycling, but forgot to fill out the survey. The City is "behind the times" in services. Jamie Nelson, 12 Holiday Lane, spoke in agreement with Ms. Abercrombie. Roll Call Vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "no", Commissioner LeCompte "yes" and Commissioner Phillips "no". Ordinance No. 21-1194 passed on first reading.

B) RESOLUTION NO. 21-1413 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE APPOINTING RICK CAUSER AS THE CITY OF RED BANK REPRESENTATIVE TO THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY

Mayor Berry read the caption of the Resolution. Commissioner Phillips made a motion to approve, seconded by Commissioner Jeno. Rick Causer was present to answer questions. Some discussion ensued. No citizen comments. Resolution No. 21-1413 was approved by majority vote.

C) RESOLUTION NO. 21-1414 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK OF AND WITH RESPECT TO THE AUTHORIZED DISPOSITION OF BICYCLES AND SIMILAR RECREATIONAL EQUIPMENT LOST AND/OR ABANDONED OR WHICH MIGHT OTHERWISE COME INTO POSSESSION OF THE CITY

Mayor Berry read the caption of the Resolution. Commissioner Jeno made a motion to approve, seconded by Commissioner LeCompte. Some discussion ensued. Blake Pierce, 2121 Lyndon Avenue, spoke on his involvement with White Oak Bicycle Co-Op and recent successes and plans. Resolution No. 21-1414 was approved with all Commissioners voting "yes".

D) RESOLUTION NO. 21-1415 A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE 2021 TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT COMPETITION

Mayor Berry read the caption of the Resolution. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Phillips. Some discussion ensued. No citizen comments. Resolution No. 21-1415 was approved with all Commissioners voting "yes".

E) RESOLUTION NO. 21-1416 A RESOLUTION TO AMEND THE CONSTRUCTION COST ESTIMATE OF THE EXISTING CONTRACT BETWEEN THE CITY OF RED BANK, TENNESSEE AND KLEENCO CONSTRUCTION OF TENNESSEE, INC. IN THE AMOUNT OF \$380,742.50 FOR THE CONSTRUCTION OF SIDEWALKS PROJECT NO. #116152.00

Mayor Berry read the caption of the Resolution. This is an amendment to an existing contract to add a retaining wall back into the plan. This action saves the City some money. Commissioner Jeno made a motion to approve, seconded by Commissioner LeCompte. No discussion. No citizen comments. Resolution No. 21-1416 was approved with all Commissioners voting "yes".

XII. Citizen Comments for Items Not on the Agenda

- **Andrea Abercrombie**, 409 East Midvale Avenue – Spoke on the intersection at Midvale Avenue and Dayton Boulevard at McDonald's. She considers it dangerous and requests something such as a traffic study be done to evaluate it.

XIII. Adjournment

A motion to adjourn was made by Commissioner Jeno, seconded by Commissioner LeCompte. Motion carried with all Commissioners voting "yes". The meeting was adjourned at 7:47 p.m.

Mayor Hollie Berry

Date

City Recorder Tracey Perry

Date

RESOLUTION NO. 21-1417

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF RED BANK AND THE CHATTANOOGA BREAKFAST ROTARY SERVICE FUND A/K/A ROTARY (hereinafter "Rotary")

WHEREAS, the Rotary has approached the City of Red Bank with a proposal to utilize the Red Bank Community Center, located at 3653 Tom Weathers Drive, for the purpose of meetings ; and

WHEREAS, the City Commission has determined that the programs and activities offered by Rotary enhance the well-being, education, recreation, and social activities of the citizens of the City of Red Bank, and further have determined that providing a venue for the Rotary's breakfast and meeting activities, without charge, is a legitimate utilization of public facilities, such as the Community Center, from time to time, and in order to recognize and encourage the benefits of said programs, activities, projects and service to residents and citizens of the City of Red Bank and others, and to do so without charge is a reasonable and appropriate utilization of the City's facilities; and

WHEREAS, a negotiated Revocable License Agreement has been drawn up with a copy attached for reference.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee, that the negotiated Revocable License Agreement between the City of Red Bank and Rotary be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign and execute the agreement upon approval by the City Attorney.

Resolved this 6th day of July, 2021.

Mayor Hollie Berry (date)

ATTEST:

City Recorder Tracey Perry (date)

REVOCABLE LICENSE AGREEMENT

WITNESS this REVOCABLE FACILITIES USE LICENSE AGREEMENT (hereinafter "RLA") entered by and between the CITY OF RED BANK, Tennessee, 3105 Dayton Boulevard, Red Bank, Tennessee, and CHATTANOOGA BREAKFAST ROTARY SERVICE FUND A/K/A CHATTANOOGA BREAKFAST ROTARY CLUB (hereinafter "Rotary"), an informally organized and unincorporated fraternal organization whose address, for notice and all other purposes shall be c/o: Warren Dropkin, President, address, 3843 Hearthstone Circle, Chattanooga, Tennessee 37415, cell phone: 423-593-8080, email: dropki@gmail.com of and with respect to the regularly scheduled and permissive usage of the Red Bank Community Center located at 3653 Tom Weathers Drive, Red Bank, Tennessee, by Rotary as provided hereinafter.

The City Commission has determined that the programs and activities offered by Rotary enhance the well-being, education, recreation, and social activities of the citizens of the City of Red Bank, and further have determined that providing a venue for Rotary's breakfast and meeting activities, without charge, is a legitimate utilization of public facilities, such as the Community Center, from time to time, and in order to recognize and encourage the benefits of said programs, activities, projects and service to residents and citizens of the City of Red Bank and others, and to do so without charge is a reasonable and appropriate utilization of the City's facilities.

Now, therefore, the City grants unto Rotary a Revocable License to use the Red Bank Community Center located at 3653 Tom Weathers Drive under the following terms:

1. Rotary may utilize the Community Center for its referenced and reasonably related purposes and reasonably related ancillary public usages on Fridays of each week between the hours of 7:00 a.m. and 9:00 a.m. beginning on July 9, 2021 and, to continue, subject to the terms hereof, until this Agreement is hereafter terminated by the City or Rotary.

2. There is no set term for this Agreement, and Agreement is terminable and revocable at will by either the City or Rotary and with or without cause and with or without notice; provided, however, City will endeavor, but shall not be required, to give Rotary at least thirty (30) days' notice of the termination of the availability of the Community Center under this Revocable License Agreement.

3. The Revocable License is for the hours between 7:00 a.m. and 9:00 a.m. on the dates above provided and for no other times or dates unless specific written permission from the City Manager shall be given for special events.

4. All programs shall be open to the public and shall be free of charge and Rotary shall not have control of public access to or utilization of the surrounding grounds or facilities. Rotary shall neither charge nor receive any fee, license, gratuity or consideration of any kind or nature of or from or with respect to its usage of the Community Center, except that a small cost reimbursing type fee may be charged to defray the costs of meals (if any) and cleaning and

miscellaneous supplies. No sales of goods, commodities, merchandise or services are permitted from the premises.

5. This Revocable License Agreement is for non-exclusive utilization of the Community Center and related parking spaces only and no equipment or personal property belonging to the City of Red Bank is included. The priority in scheduling events is (1) the City of Red Bank and its partners, (2) paid reservations with, and (3) licensees, such as Rotary, in third priority.

City reserves the discretionary right to pre-empt and cancel usage times otherwise allocated to Rotary without liability or responsibility. City will endeavor, but shall not be required, to give at least 72 hours notice when the facilities are to be pre-empted for City use. City will attempt, but shall not be required, to schedule an alternative time or times for Rotary to utilize the facility in the event of cancellation.

6. It is acknowledged that the Rotary may, from time to time, store or place upon the premises limited (as determined by the City Manager) amounts of miscellaneous items of personal property, supplies, etc., including but not necessarily limited to disposable items such as cups, paper plates, utensils, etc. Any personal property left on the premises, from time to time, whether acquired by or owned by Rotary or individual members of Rotary are at the sole risk of Rotary, and neither City nor any person associated or affiliated with City shall have any personal liability or responsibility of or with respect to or for damage, misplacement, removal, "theft", or other casualty, damage or loss of any such personalty, all the same being at the assumed risk of Rotary and/or its various members, guests or invitees.

7. Rotary shall be responsible for cleaning the facilities after each event or usage including, and without limitation, sweeping, removal of trash or garbage, mopping as needed, and any other necessary cleaning of the premises. Any failure in this regard may result in termination of Rotary's authority to use the property. Rotary shall maintain a cleaning log and shall furnish said log to City on a basis not less frequently than monthly. Said cleaning log shall detail all such activities, the person or persons conducting same, and shall be provided to the City Manager at City Hall and upon a log maintained upon the premises at a location to be designated by the City.

8. City intends, but shall not be required to pay all utility payments and to furnish paper and cleaning supplies for the restroom facilities. The assumption of these responsibilities is purely discretionary on the part of the City and may be terminated at any time, from time to time, and without notice. Improvements, buildings, appurtenances, or fixtures of or with respect to the Community Center hereafter acquired, located upon the premises, shall be the property of City and Rotary, even if Rotary or its members purchase or acquire the same, shall have no interest therein. Rotary shall make an immediate report to the Public Works Director or his designee whenever Rotary becomes aware of any condition, circumstance or occurrence requiring maintenance, repair or attention to the facility.

9. Neither Rotary nor any of its members or affiliates shall be, for any purpose, an agent of the City of Red Bank. The City of Red Bank shall not control any programs or activities coordinated by Rotary. Rotary shall not sublease or sublet the facility nor allow any person, entity, corporation, club or fraternity to utilize the premises under the License. Rotary shall be entitled to the utilization of two (2) and not more than two (2) keys to the facility. Rotary shall not duplicate the key or provide multiple keys to multiple persons. All keys shall be turned in upon the termination of this Revocable License Agreement.

10. Any member of the public who qualifies under applicable lawful rules and regulations may participate in the programs offered by Rotary and in events without discrimination as to race, color, sex, religion, handicap, age, or national origin. Notwithstanding anything to the contrary, Rotary shall not be required to make the building premises available to the general public during its hours and permissive usage.

11. Rotary, at each event and usage, and as a conditions of participation in each and every program offered by Rotary, shall also require each participant, member and guest to sign a statement and release on the form attached as Exhibit A, that he or she will hold the City harmless from any and all claims, suits, causes of action, judgments, damages, including damages for care and loss of services because of bodily injury, sickness, disease, including death resulting therefrom, sustained by him or her or any person or persons and because of injury or destruction of property, including any loss of use thereof, caused by, arising out of, or resulting from the use of the above described Community Center. The originals of all signed statements and releases shall be delivered to The City Manager at City Hall not less frequently than monthly and copies shall be maintained in Rotary's files for a period of at least one year next following signatures.

12. City shall have unfettered discretion to enact or amend a set of rules and regulations and/or rules of and with respect to the use of the premises as the City shall see fit, at any time, and at all times, and without notice and Rotary shall be required to adhere to and observe same upon communication to Rotary of any such rules or regulations.

13. NOTHING CONTAINED HEREIN OR IN THIS AGREEMENT SHALL BE DEEMED TO DEFEAT OR MODIFY SUCH IMMUNITIES AS EXIST FOR THE CITY OF RED BANK OF OR WITH OR PURSUANT TO TENNESSEE GOVERNMENTAL TORT LIABILITY ACT (GTLA), IT BEING THE EXPRESS INTENT OF CITY OF RED BANK TO MAINTAIN SAME, IN ALL RESPECTS, AND ANY PROVISIONS TO THE CONTRARY OR OF CONTRARY INTERPRETATION SHALL YIELD TO THE PROVISIONS OF THIS PARAGRAPH.

Dated this the ____ day of _____, 2021.

CHATTANOOGA BREAKFAST ROTARY
SERVICE FUND, A/K/A CHATTANOOGA
BREAKFAST ROTARY CLUB

BY: _____
WARREN DROPKIN, PRESIDENT

STATE OF TENNESSEE
COUNTY OF HAMILTON

Before me, a Notary Public in and for the State and County aforesaid, personally appeared WARREN DROKPIN, with whom I am personally acquainted, and who upon oath acknowledged herself to be the President of Chattanooga Breakfast Rotary Service Fund, a/k/a Chattanooga Breakfast Rotary Club, the within named bargainor, and that she, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Chattanooga Breakfast Rotary Service Fund, a/k/a Chattanooga Breakfast Rotary Club by herself as such President.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal at Office in said County and State on this the ____ day of _____, 2021.

Notary Public

My Commission Expires: _____

ACKNOWLEDGED AND ACCEPTED:

CITY OF RED BANK

BY: _____
JOHN ALEXANDER, Interim City Manager